

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V.**

**33.92536 ACRES OF LAND, MORE OR  
LESS, SITUATED IN VEGA BAJA,  
COMMONWEALTH OF PUERTO RICO,  
and JUAN PIZA-BLONDET, et al.,**

## Defendants.

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**CIVIL ACTION NO. 98-1664 (FAB-BJM)**

**CIVIL ACTION NO. 98-2344 (FAB-BJM)**

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**MOTION, AND INCORPORATED MEMORANDUM, TO COMPLY  
WITH COURT ORDER TO SHOW CAUSE WHY THE COURT  
SHOULD ALLOW OPINION TESTIMONY OF JUAN PIZA-BLONDET  
AS TO LAND VALUE BASED ON HIS BUSINESS EXPERIENCE**

**NOW INTO COURT**, comes defendant-landowner, Juan Piza-Blondet (“Mr. Piza”), through undersigned counsel, in compliance with this Honorable Court’s Order of July 28, 2008 and submits the following:

1. Mr. Piza has extensive knowledge concerning the sale of property surrounding the subject tract of land, the development of land on the island of Puerto Rico, and the procedures for obtaining the requisite permits or variances for properties zoned B2 and CR. See the July 31, 2008 Sworn Statement of Mr. Piza, attached hereto as Exhibit “1;” and see also the August 1, 2008 Sworn Statement of Mr. Piza, attached hereto as Exhibit “2.”

2. The landowner, Mr.Piza, has a constitutional right to reasonable notice and an opportunity to be “heard” on the amount of just compensation. Schroeder v. City of New York, 371 U.S. 208, 212, 83 S.Ct. 279, 282 (1962); Walker v. City of Hutchinson, 352 U.S. 112 (1956); Bragg

v. Weaver, 251 U.S. 57, 58, 40 S.Ct. 62, 63 (1919). Furthermore, Mr. Piza intends to call expert appraiser, Carlos Gaztambide, to testify as to the value of the land. However, due to the deadlines ordered by this Honorable Court, the defendant has not had time to obtain an updated report from Mr. Gaztambide.

3. The plaintiff has deposed Mr. Piza twice in connection with this case. The plaintiff is well aware of Mr. Piza's vast knowledge in real estate transactions on the island of Puerto Rico. The plaintiff has been afforded ample opportunity to obtain Mr. Piza's opinions concerning the subject thirty-three (33) acres of land. Nonetheless, on the last occasion that Mr. Piza was deposed, counsel for the plaintiff purposely chose not to depose Mr. Piza concerning his opinions. The plaintiff asked approximately ten (10) questions that had no bearing on the merits of this case. Therefore, there is no prejudice to the plaintiff for any alleged failure to disclose Mr. Piza's testimony prior to this point in time.

**WHEREFORE**, based upon the affidavits and exhibits filed herewith, this Honorable Court should recognize that Juan Piza-Blondet be allowed to offer opinion testimony based on his business experiences and sales of comparable property owned by him.

Respectfully submitted,

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**Certificate of Service**

I hereby certify that on today's date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will automatically send notification of such filing to the pertinent parties of record.

In San Juan, Puerto Rico, this 1<sup>st</sup> day of August, 2008.

**/s/ Francisco Diez-Perez,**  
**FRANCISCO DIEZ-PEREZ, ESQ.**  
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